

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01 AND SUBREGION 34**

BOB’S TIRE CO. INC. AND B.J.’S	:	
SERVICE COMPANY, INC. (A JOINT	:	
EMPLOYER)	:	Cases: 01-CA-169949
	:	01-CA-169956
and	:	01-CA-169959
	:	01-CA-169968
UNITED FOOD AND COMMERICAL	:	01-CA-173156
WORKERS INTERNATIONAL UNION :		01-CA-183476
LOCAL 328.	:	01-CA-183482

**PETITIONER’S MOTION
TO CHANGE THE VENUE OF THE HEARING**

Pursuant to §102.16(a) of the Board Rules, the Petitioner in the above-captioned matters, United Food and Commercial Workers International Union, Local 328, respectfully requests that the venue for the hearing in these cases be changed to Providence, Rhode Island due to the location of witnesses and counsel.

ARGUMENT

The venue for the hearing in these matters should be changed to Providence, Rhode Island, because the majority of witnesses and counsel are located closer to Providence than to Hartford, Connecticut. Section 102.16(a) of the Board’s Rules provides that, “...upon proper cause shown by any...party, the Regional Director issuing the complaint may ... change the hearing place...” Section 5-600 of the NLRB Administrative Law Judge Bench Book, October 2015, states that relevant factors in determining whether to change venue include “...the availability and convenience of witnesses, parties, and counsel, the location of the documentary

evidence, the place or situs where the material events occurred, and the possibility of delay and prejudice if transfer is granted.”

The balance of these factors weighs heavily in favor of transferring venue to Providence. The majority of witnesses that will be called at the hearing reside and work in Massachusetts and Rhode Island. Counsel for the Respondents are both located in Dartmouth, Massachusetts, and counsel for the Plaintiff is located in North Kingstown, Rhode Island. Moreover, all material events in these cases occurred at Bob’s Tire Co. in New Bedford, Massachusetts, and the material documentary evidence is primarily located in New Bedford. Neither side will be prejudiced by changing venue to Providence.

Counsel for the Respondents both assent to this motion, and the General Counsel has not taken a position.

CONCLUSION

For the foregoing reasons, the Petitioner's motion to change the venue of the hearing should be granted.

Respectfully submitted,

*Petitioner United Food and Commercial
Workers International Union, Local 328*

By its attorney,

/s/ Marc Gursky
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CERTIFICATION

I hereby certify that on this 7th of April, 2017, a true copy of the preceding document was filed electronically and sent via electronic mail to the following counsel of record:

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